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**RASH CURTIS & ASSOCIATES**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SANDRA MCMILLION, JESSICA  
ADEKOYA, and IGNACIO PEREZ, on  
Behalf of Themselves and all Others Similarly  
Situating,

Plaintiffs,

v.

RASH CURTIS & ASSOCIATES,

Defendant.

Case No. 4:16-cv-03396-YGR

**THE PARTIES' EXPERT WITNESS  
LISTS**

Date: April 12, 2019  
Time: 9:00 a.m.  
Courtroom 1, 4th Floor

Hon. Yvonne Gonzalez Rogers

**Plaintiff's Expert Witness List**

Pursuant to the Court's Pretrial Instructions in Civil Cases § 3(c), Plaintiff submits this expert witness list and disclosures of testimony.

**1. Randall A. Snyder**

Randall A. Snyder submitted a declaration on November 12, 2018. As detailed in his declaration, Mr. Snyder will provide his opinion about the methodology for identifying calls made to class members. He will also testify regarding the accuracy and reliability of the methodology used by Ms. Verkhovskaya and Mr. Weir.

More detailed descriptions of and bases for Mr. Snyder's conclusions are explained in his declaration, which Plaintiff has provided to Rash Curtis. Mr. Snyder's current Curriculum Vitae is attached as Exhibit 1.

**2. Anya Verkhovskaya**

Anya Verkhovskaya submitted a declaration on November 12, 2018. As detailed in her declaration, Ms. Verkhovskaya will testify, *inter alia*, as to the results of her calculations as to the size of the class. More specifically, she will testify that her tabulations revealed that Rash Curtis placed 534,698 autodialed calls to 40,420 class members.

More detailed descriptions of and bases for Anya Verkhovskaya's findings are explained in her declaration, which Plaintiff has provided to Rash Curtis. Ms. Verkhovskaya's current Curriculum Vitae is attached as Exhibit 2.

**3. Colin B. Weir**

Colin B. Weir submitted a declaration on November 12, 2018. As detailed in his declaration, Mr. Weir will provide his opinion on damages resulting from Rash Curtis' use of Automatic Telephone Dialing Systems. Specifically, Mr. Weir will testify that at the statutory floor of \$500 per violation under the TCPA, damages total \$267,349,000. Mr. Weir will also testify that if Plaintiff establishes that Rash Curtis' violations were knowing or willful, damages total \$802,047,000.

1           More detailed descriptions of and bases for Mr. Weir's conclusions are explained in his  
2 declaration, which Plaintiff has provided to Rash Curtis. Mr. Weir's current Curriculum Vitae is  
3 attached as Exhibit 3.  
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**Defendant's Expert Witness List**

Pursuant to the Court's Local Rules and Standing Orders, Defendant Rash Curtis & Associates hereby submits the following expert witness list.

1. Randall Snyder – Mr. Snyder is expected to testify regarding his retention as an expert witness by Bursor & Fisher and his history of working as an expert witness for Bursor and Fisher. He is also expected to testify regarding his review of various materials, including the manuals for Rash Curtis' telephone dialing equipment, and his resulting opinions regarding its capacity to store or produce telephone numbers, using a random or sequential number generator, in connection with his opinion that Rash Curtis' telephone dialing equipment constitutes an "automatic telephone dialing system" as defined by the TCPA. He is also expected to testify regarding the ascertainability of class members, Rash Curtis' use of skip-tracing, and how to identify whether a telephone number was obtained via skip-tracing. Finally, he is expected to testify regarding Rash Curtis' ability to "scrub" telephone numbers to ensure auto-dialed calls are not made to cellular telephone numbers and Rash Curtis' willfulness and knowledge with respect to the alleged TCPA violations.
2. Colin Weir – Mr. Weir is expected to testify regarding his retention as an expert witness by Bursor & Fisher and his history of working as an expert witness for Bursor and Fisher. He is also expected to testify regarding his review and manipulation of the call logs and debtor account records produced by Rash Curtis and his resulting opinions regarding the number of telephone calls placed by Rash Curtis through its telephone dialing equipment, the number of telephone calls answered, and the number of calls which involved the use of an artificial or prerecorded voice.
3. Anya Verkhovskaya – Ms. Verkhovskaya is expected to testify regarding her retention as an expert witness by Bursor & Fisher and her history of working as an expert witness for Bursor and Fisher. She is also expected to testify regarding her review and manipulation of the electronic data provided by Mr. Weir and her resulting

1 opinions regarding the number and identity of the non-debtor class members, their  
2 contact information, and her methodology for obtaining such information. She is also  
3 expected to testify regarding the creation of her “fuzzy match” algorithm and its  
4 implementation to determine the non-debtor class members.

5 4. Robert Keith – Mr. Keith is expected to testify regarding his position as Vice  
6 President of Rash Curtis and his experience in the debt collection industry. He is also  
7 expected to testify regarding Rash Curtis’ policies and procedures regarding the use  
8 of its telephone dialing equipment, the placement and receipt of manually-dialed  
9 telephone calls, and the various methods of skip-tracing available to Rash Curtis’  
10 collectors. He is also expected to testify regarding Rash Curtis’ collection software,  
11 the maintenance of debtor account information, the process by which accounts are  
12 referred to Rash Curtis for collection, the type of information which is typically  
13 transmitted to Rash Curtis by its creditor-clients, the type of information contained in  
14 Rash Curtis’ collection notes, and how to identify whether a particular telephone  
15 number was obtained via skip-tracing. He is expected to testify regarding the policies  
16 and procedures adopted to comply with the TCPA, including the maintenance of  
17 different telephone fields within Rash Curtis’ collection software and the training of  
18 Rash Curtis’ collectors regarding the placement of telephone numbers within those  
19 telephone fields according to whether or not Rash Curtis has consent to “auto-dial”  
20 the telephone number in question. Finally, Mr. Keith is expected to testify regarding  
21 the prior employment of Mr. Steven Kizer, his termination, and the aftermath of his  
22 termination, including the wage/hour and discrimination claims which Mr. Kizer filed  
23 in retaliation for his termination.

24 5. Chris Paff – Mr. Paff is expected to testify regarding his position as Vice President of  
25 Rash Curtis and his experience in the debt collection industry. He is also expected to  
26 testify regarding Rash Curtis’ policies and procedures regarding the use of its  
27 telephone dialing equipment, the placement and receipt of manually-dialed telephone  
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1 calls, and the various methods of skip-tracing available to Rash Curtis' collectors. He  
2 is also expected to testify regarding Rash Curtis' collection software, the maintenance  
3 of debtor account information, the process by which accounts are referred to Rash  
4 Curtis for collection, the type of information which is typically transmitted to Rash  
5 Curtis by its creditor-clients, the type of information contained in Rash Curtis'  
6 collection notes, and how to identify whether a particular telephone number was  
7 obtained via skip-tracing. He is expected to testify regarding the policies and  
8 procedures adopted to comply with the TCPA, including the maintenance of different  
9 telephone fields within Rash Curtis' collection software and the training of Rash  
10 Curtis' collectors regarding the placement of telephone numbers within those  
11 telephone fields according to whether or not Rash Curtis has consent to "auto-dial"  
12 the telephone number in question. Finally, Mr. Paff is expected to testify regarding  
13 the prior employment of Mr. Steven Kizer, his termination, and the aftermath of his  
14 termination, including the wage/hour and discrimination claims which Mr. Kizer filed  
15 in retaliation for his termination.

- 16 6. Daniel Correa – Mr. Correa is expected to testify regarding his position as Collection  
17 Manager of Rash Curtis and his experience in the debt collection industry. He is also  
18 expected to testify regarding Rash Curtis' policies and procedures regarding the use  
19 of its telephone dialing equipment, the placement and receipt of manually-dialed  
20 telephone calls, and the various methods of skip-tracing available to Rash Curtis'  
21 collectors. He is also expected to testify regarding Rash Curtis' collection software,  
22 the maintenance of debtor account information, the process by which accounts are  
23 referred to Rash Curtis for collection, the type of information which is typically  
24 transmitted to Rash Curtis by its creditor-clients, the type of information contained in  
25 Rash Curtis' collection notes, and how to identify whether a particular telephone  
26 number was obtained via skip-tracing. He is expected to testify regarding the policies  
27 and procedures adopted to comply with the TCPA, including the maintenance of  
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1 different telephone fields within Rash Curtis' collection software and the training of  
2 Rash Curtis' collectors regarding the placement of telephone numbers within those  
3 telephone fields according to whether or not Rash Curtis has consent to "auto-dial"  
4 the telephone number in question. .

5 7. Nick Keith – Mr. Keith is expected to testify regarding his position as Internet  
6 Technology Manager of Rash Curtis and his experience in the debt collection  
7 industry. He is also expected to testify regarding Rash Curtis' policies and procedures  
8 regarding the use of its telephone dialing equipment, the placement and receipt of  
9 manually-dialed telephone calls, and the various methods of skip-tracing available to  
10 Rash Curtis' collectors. He is also expected to testify regarding Rash Curtis'  
11 collection software, the maintenance of debtor account information, the process by  
12 which accounts are referred to Rash Curtis for collection, the type of information  
13 which is typically transmitted to Rash Curtis by its creditor-clients, the type of  
14 information contained in Rash Curtis' collection notes, and how to identify whether  
15 a particular telephone number was obtained via skip-tracing. He is expected to testify  
16 regarding the policies and procedures adopted to comply with the TCPA, including  
17 the maintenance of different telephone fields within Rash Curtis' collection software  
18 and the training of Rash Curtis' collectors regarding the placement of telephone  
19 numbers within those telephone fields according to whether or not Rash Curtis has  
20 consent to "auto-dial" the telephone number in question.

21 8. Blake North – Mr. North is expected to testify regarding his position as a Customer  
22 Support Specialist for Global Connect and TCN, and the technical capabilities of Rash  
23 Curtis' telephone dialing equipment, including the Global Connect and TCN dialers.  
24 He is also expected to testify that neither the Global Connect nor TCN dialer has the  
25 present capacity to generate a 10-digit telephone number using either a random or  
26 sequential number generator. Finally, he is expected to testify how Rash Curtis  
27 uploaded dialing campaigns for the Global Connect and TCN dialers, the type of  
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information transmitted by Rash Curtis, and the resulting call logs generated by Global Connect and TCN.

9. Shane Sonognini – Mr. Sonognini is expected to testify regarding his position as a Software Designer for DAKCS, and the technical capabilities of Rash Curtis’ DAKCS-based collection software, including Beyond ARM and the VIC dialer. He is also expected to testify that the VIC dialer does not have the present capacity to generate a 10-digit telephone number using either a random or sequential number generator. He is also expected to testify regarding the various custom programs written to specially-modify the way Rash Curtis’ collection software operates and functions. He is expected to testify how Rash Curtis used the VIC dialer to place both manually-dialed and automatically-dialed telephone calls, the resulting information stored in Rash Curtis’ collection software database, and how the VIC call logs were generated using a custom program designed to parse the native data stored in Rash Curtis’ collection software archives. Finally, he is expected to testify regarding how the debtor account records were generated and the reliability of the information contained therein, including whether a particular telephone number was stored in a particular telephone field, when it was added, and whether it was ever moved, changed, deleted, etc.

Dated: March 4, 2019

Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Yeremey Krivoshey  
Yeremey Krivoshey

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Dated: March 4, 2019

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